

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Richard Mike Espinoza,)	Case No. 1:24-cr-082
)	
Defendant.)	

On September 23, 2024, Defendant filed a Second Motion to Reconsider Order of Detention. (Doc. No. 33). Advising that the parties are contemplating a plea agreement in which he would plead to an offense with a guideline range of 4-10 months and the United States would recommend a guideline sentence with credit for time served,¹ Defendant requested to be released to a Good Road Recovery Sober Living facility.

On October 7, 2024, the court issued an order deferring its ruling on Defendant's motion. (Doc. No. 34). Therein the court informed Defendant that it is inclined to release him to a sober living facility provided that he identifies the facility where he would be residing² and has a plan for his transport to it.

Approximately one month has now passed since the court issued the aforementioned order and Defendant has yet to identify the specific facility at which he proposes to reside and submit a transport plan. Consequently, the court **DENIES** Defendant's motion (Doc. No. 33) without prejudice. Defendant may renew his motion once he can identify the specific facility at which he

¹ On October 9, 2024, the parties filed a Plea Agreement. (Doc. No. 35). Defendant's change of plea hearing is presently scheduled for November 21, 2024. (Doc. No. 37).

² It was not entirely clear from Defendant's motion whether he was proposing to reside at the Good Road Recovery Center, an MHA treatment facility in Bismarck, or at one of MHA's sober living lodges/facilities.

is proposing to reside and has a transport plan in place.

IT IS SO ORDERED.

Dated this 7th day of November, 2024.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court